Rhode Island Department of Environmental Management
Division of Marine Fisheries

Office 401.423.1920 | Fax 401.423.1925 | dem.ri.gov/marine

Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI 02835

Coastal Fisheries Laboratory
1231 Succotash Road, Wakefield, RI 02879

Summary of Comments on Proposed Rules

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulations:

- Part 3 – Finfish (250-RICR-90-00-3)
- Part 5 – Lobster, Crabs, and Other Crustaceans (250-RICR-90-00-5)
- Part 7 - Dealers (250-RICR-90-00-7)

Type of Filing: Proposed Amendments

Timetable for action on the proposed rule:

- Date of public notice: February 15, 2024
- Date of hearing: February 28, 2024
- End of comment period: March 17, 2024

Testimony and Comments:

1. Recreational striped bass filleting:

    - RISAA in support of following the coastwide ASMFC requirements.
    - RIPCBA expressing concern with the proposed rules and negative impact on day to day operations of charter businesses

2. 2024 commercial general category striped bass management:

    - Three (3) comments in support of proposal #1
    - Seven (7) comments in support of proposal #3
    - Three (3) comment in support of proposal # 2
    - RIPCBA in support of proposal #3

3. Striped bass floating fish trap reporting:

- No comments were provided

4. 2024 commercial striped bass floating fish trap management:

    - Two (2) comments opposed to the proposed rule

5. Commercial striped bass tagging:

    - No comments were provided

6. Commercial menhaden management:

    - Several comments in support of proposal # 1 with strong opposition to proposals #2 and #3
    - Four (4) comments in support of proposal # 3
    - Save the Bay in support of proposal #1; strongly opposed to proposals #2 or 3.
    - Audubon Society of RI opposed to efforts to weaken or remove restrictions on purse seine fisheries in Narraganset Bay that targets menhaden
    - Two (2) comments provided in support of proposal # 3 with applicability of rule for purse seine vessels only
    - One (1) comment in support of proposal # 3 as a pilot program applicable to purse seine vessels only
    - RISAA in support of status quo management

7. 2024 commercial bluefish management:

    - One (1) comment made opposed to increased starting possession limits in October or November
    - RIPCBA in support of status quo
    - RISAA in support of status quo

8. 2024 recreational scup management:

    - One (1) comment provided in support of proposal # 1
    - RISAA in support of proposal #1
    - RIPCBA in support of northern region proposal #1; strongly opposed to northern region proposal #2

9. 2024 recreational summer flounder management:

    - One (1) comment provided in support of proposal # 3
    - One (1) comment opposed to the proposed increased possession limit from 4 to 6 fish in proposal #3.
    - RISAA in support of proposal 3 for seasons and min. size; opposed to the proposed increase in bag limit

- RIPCBA in support of proposal #3

10. Commercial possession limit clarification:

    - No comments were provided

11. Jonah crab dealer requirements:

    - Several comments made opposed to the proposed rule as claws are routinely broken off during harvest

12. Electronic Tracking Requirements for Federal Lobster Permit Holders:

    - Several comments provided, all opposed to the proposed rule.
        - Several comments opposed to requirement that VMS must be powered on at all times
        - Several comments provided that the proposed rule violates the Constitution and right to privacy
        - Several comments opposed to the rule due to concerns regarding use of VMS data

IMPORTANT! The public hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel here. ***This document serves only as a general synopsis of the comments provided specific to the proposed rules; it does not include supporting details, rationale, or discussion of matters not specific to the proposed rules. Written comments (including comments submitted by email) provided are included in the meeting materials of the RI Marine Fisheries Council***

From: David Arnold
To: Duhamel, Peter (DEM)
Subject: 2024 striped bass season
Date: Sunday, March 17, 2024 3:40:38 PM

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Report Suspicious

My name is David Arnold, I am a RI commercial fisherman. I'm writing to express my support for proposal #3 for the 2024 striped bass season.

From: Greg Renzulli
To: Duhamel, Peter (DEM)
Subject: Commercial Striped Bass Ammendmants comment
Date: Sunday, March 17, 2024 3:51:56 PM

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My name is Greg Renzulli RSTND22010350. I am writing this is an active participant in the commercial striped bass fishery. I support Industry Proposal #2. With the continual reduction of quota we continue to face it is vital to make the fishery as lucrative as possible for short duration it is open. I believe July will provide a better price than we have been seeing with earlier openings and summer bot yet seeing tourism and no school. As a fisherman you do your best when you can find the fish and stay with them for the duration of the season.

From: Joe Macari
To: Duhamel, Peter (DEM)
Subject: Commercial Striped Bass Regulations-2024
Date: Monday, March 4, 2024 6:29:06 PM

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Hello Peter-

Just wanted to drop you an email to support the following upcoming RI Commercial Striped Bass proposal: **2024 commercial general category striped bass management (section 3.8.2(A))**

I support **Option #1** (Industry proposal), i.e., start date June 11, 100% allocation (thru Dec 31)

Thanks-
Joe Macari
Commercial Rod/reel fisherman

Jmacari1@cox.net

From: Mike Papa
To: Duhamel, Peter (DEM)
Subject: Striper proposal
Date: Sunday, March 17, 2024 3:45:01 PM

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I would like to see proposal #2. Season will be so short all at the same time makes more sense. Thankyou. Mike Papa PEL 2201423 more quota is needed. Biggest issue.

From: Tim Payne
To: Duhamel, Peter (DEM)
Subject: Commercial Stiped bass proposals
Date: Thursday, February 29, 2024 3:10:18 PM

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Dear Mr. Duhamel

With respect to your three options for striped bass, we favor 2. 2024 commercial general category striped bass management (section 3.8.2(A)): Proposal #1.

Sincerely,

Austin Payne
Raymond Masciarelli

RI DEM and RIMFC,

I am writing to oppose the proposed changes to the commercial striped bass floating fish trap quota management plan. I am writing specifically to oppose Option 2, the change from unlimited to 500lbs occurring at 90% of quota as opposed to 70% as currently utilized. I am a floating fish trap owner/operator and this will negatively affect my business. The change from 70% to 90% will result in the larger trap operators harvesting an increasing disproportionate amount of the quota at the expense of the smaller operators, such as myself. The 70% trigger was formerly used as an alternative to set-asides for each trap company. The 70% trigger was used to prevent one trap company from harvesting the quota before the fish become available to the other operators. While the demographics and participation has changed since that time, the reasoning still holds true. The 70% trigger was a good compromise between the smaller operators who would like a lower trigger to maximize their contribution to harvest and the larger operators which have higher operating costs. We have not had a year yet that the 70% trigger prevented the industry from harvesting the quota. The last 2 years the quota has been used up in a timely manner, with each company having respective landings. The few years prior to that, the fish did not show and we never reached the 70% trigger.

I am also concerned that the change to 90% trigger will negatively effect the divisions ability to manage the quota against overages. At a 70% trigger, there is a buffer to help prevent quota overages. At 90%, there is only just over 4,000lbs left when the trigger is reached. This could be well overshot in just a single day, as the large traps are capable of harvesting 10,000lbs plus per day. The 70% gives some buffer for the big days. Thank you, Ian Campbell

Dear RI DEM and RIMFC,

I am writing to express my opposition to the proposed changes in the commercial striped bass floating fish trap quota management plan. Specifically, I am against Option 2, which changes the current trigger point for the quota from 70% to 90%. This change will negatively impact my business as a floating fish trap owner/operator. If the trigger point increases from 70% to 90%, the larger trap operators will harvest an increasingly disproportionate amount of the quota, leaving the smaller operators like myself at a disadvantage. The 70% trigger point was developed as an alternative to prior set-asides for each trap company. It is a good compromise between the smaller and larger operators in the industry, as it prevented one trap company from harvesting the quota before the fish became available to other operators. Although the industry demographics and participation have changed since then, the reasoning still holds. We haven't had a year yet where the 70% trigger prevented the industry from harvesting the quota. For the past two years, the quota has been used up in a timely manner, with each company having its respective landings. The fish didn’t show up a few years prior, and we never reached the 70% trigger.

Additionally, I am concerned that the proposed increased trigger point would negatively impact the division's ability to manage the quota against overages. With only 4,000 lbs left when the 90% trigger is reached, the quota could be overshot in a single day by larger operators who can harvest 10,000 lbs or more daily. The current 70% trigger point provides a greater buffer for better quota handling.

Thank you,

Stesha Campbell

Rhode Island
SALTWATER
ANGLERS
Association

P.O. Box 1467, Coventry, RI 02816 www.risaa.org Office: 401-826-2121

March 4, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries and Rhode Island Fisheries Management Council

Via email: peter.duhamel@dem.ri.gov

RE: Proposed Finfish Regulations 2024

Dear Council Members:

The Rhode Island Saltwater Anglers Association (RISAA), representing over 7500 recreational anglers in Southeastern New England is proud to provide comment regarding the proposed 2024 saltwater finfish regulations. We attended the Workshop conducted by the Division and we provide these comments based on discussions at that Workshop as well as some clarifying information provided by RIDEM staff.

Based on the requirements that Rhode Island must meet regarding harvest reduction for some species, the RISAA supports the following:

Menhaden – no increase in harvest, the MMA should continue current management
Scup – Proposal 1, an increase of ½" in minimum size except for shore mode
Summer Flounder – an increase of 1" in minimum size with no change in bag
Bluefish, Tautog and Black Sea Bass – status quo
Striped bass – Follow the coastwide ASMFC requirements.

Thank you for the opportunity to comment.

Sincerely,

Rich Hitt

Scott A. Travers

Richard Hittinger, 1st Vice President

Scott Travers, Executive Director

R.I. Party and Charter Boat Association
P.O. Box 171
Wakefield, RI 02880
401-741-5648
www.rifishing.com

President Capt. Rick Bellavance
Vice President Capt. Steve Anderson
Treasurer Capt. Andrew D'Angelo
Secretary Capt. John Rainone
Director Capt. Nick Butziger

March 14th, 2024

Peter Duhamel
DEM Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835

Mr. Duhamel,

The RIPCBA appreciates the opportunity to provide our comments pertaining to proposed regulation amendments as noticed for the Public Hearing held on February 28th, 2024.

Recreational striped bass management (section 3.8.1(F)):

While we understand the ASMFC included a recreational fillet rule in ADD II to the Striped Bass FMP, the RIPCBA has concerns regarding the logistics, enforcement, and implementation of such a requirement. The proposed rule will have a negative impact on the day to day operation of our businesses. Any regulation of this nature will create additional burden and logistical challenges that will need to be considered in the Rhode Island regulation. Disposal of retained striped bass racks will result in improper disposal of those racks by recreational fishermen and there will be loopholes that will be utilized by recreational fisherman. Charter businesses will be burdened unevenly due to the nature of our businesses, which often depend on multiple trips per day during the height of the striped bass migration. A better plan would have been to institute a no fillet provision while actively fishing. Enforcement of the striped bass regulations, and other species for that matter, would take place on the water where non-compliance is occurring. It's unclear at this time what the penalty schedule will be, but it likely will not be a deterrent for those recreational fishermen that chose to disregard regulations. The division should consider creating a work group of agency folks and industry to specifically address the ASMFC fillet rule and potentially address other enforcement concerns.

2024 commercial general category striped bass management (section 3.8.2(A)):

We would support Industry Alternative 3: Season June 11 – June 20 50% and July 9 – Dec 31 50%
Possession/Sales permitted:
Possession permitted only from 8:00pm Monday through 8:00pm Thursday of each week when the fishery is open.
Possession is prohibited at all other times.
Sale permitted only 12:00 am Tuesday through 8:00 pm Thursday of each week when the fishery is open.
Sale is prohibited at all other times.

2024 commercial bluefish management (section 3.17.2):

We would prefer Status Quo or retaining the Nov 16 start date for the increased trip limits.

2024 recreational scup management (section 3.7.1):

We would support the Northern Region Proposal #1. Increasing the size limit ½ inch for General Recreational and Party/Charter Sectors. Shore would remain at 9.5 inches. We would note that the shore fishery is a significant portion of the entire recreational Scup fishery. We strongly support measures that help different recreational user groups meet their specific needs and shore fishermen don't generally have the access that boat fishermen do, shore fishermen seem to have favorable access under a 9.5-inch size limit.

We strongly oppose Scup Northern Region Proposal #2

2024 recreational summer flounder management (section 3.9.1):

We support Proposal #3 Increasing the size to 19 inches for the recreational fishery. We support the Special Shore fishery measures which would allow 2 fish to be 17 inches minimum.

We support the season from April 1 to December 31.

We support an increase in the possession limit to 6 fish per person/per day.

We understand this proposal is projected to achieve a 34.4 percent reduction, which is higher than the 28% required. However, we feel the local fluke resource needs additional protection. Although the increased possession limit will not contribute to mortality all that much, it would be a valuable marketing tool for RI's charter/party fleet. We have members that cater to skilled summer flounder anglers who may appreciate the prospect of catching a few more fish.

Thanks for the chance to weigh in on your proposed regulatory changes. We appreciate all the hard work Marine Fisheries staff delivers to RI's stakeholders.

Respectfully Submitted,

Capt. Rick Bellavance

Capt. Rick Bellavance, President
RI Party and Charter Boat Association

Carl Tiska
24 Van Zandt Ave
Newport RI 02840
carl.tiska@gmail.com

February 18, 2024

Peter Duhamel
DEM Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835

Dear Mr. Duhamel,

I am a recreational angler and Rhode Island resident, and I am writing in reference to the 2024 recreational summer flounder management proposals, specifically proposal 3, which would increase the minimum size from 18 to 19 inches while increasing the possession limit from four fish to six fish.

I attended the DEM Regulatory Workshop on the 5th of February where I voiced my concerns about proposal 3 raising the possession limit from four fish to six fish. I was very disappointed to see that the *Supplemental Document Part 3 – Finfish* for the public hearing on February 28, 2024, did not include my recommendation as an additional proposal. Consequently, I formally request that you add the following proposal to agenda for the public hearing on 28 February.

Proposal # 4: Sector	**Min. size**	**Season**	**Poss. limit**
Gen. rec.	~~18"~~ 19"	~~May 3~~ April 1 – Dec. 31	4 fish/day
Special Shore	~~18"~~ 19" (2 of the fish min. size = 17")	~~May 3~~ April 1 – Dec. 31	4 fish/day

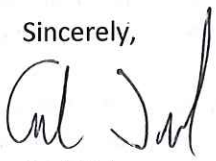
To reiterate the points that I voiced in the meeting on February 5th, I am concerned that raising the minimum size while at the same time increasing the bag limit sends a mixed message to the recreational fishing community. The vast majority of recreational anglers do not follow the details of the regulatory process and are not aware that NOAA Fisheries has implemented a 28% reduction in the recreational harvest of summer flounder in 2024. While all of us who have been following the regulatory process understand that proposal 3 is projected to result in a harvest reduction of 34.4%, the average Rhode Island angler would see a 6% increase minimum size at the same time as a 50% increase in the bag limit and many would incorrectly assume that the regulatory change was attempting to increase the recreational harvest. I suspect that that if anglers perceive that that the regulations had been liberalized but they were unable to catch keeper fluke, it may promote increased non-compliance with the regulation.

Very few anglers will be able to catch six 19-inch or greater fluke in a day, so there is little benefit to increasing the bag limit from four fish to six fish. Consequently, there is risk without accompanying benefit to increasing the possession limit to six fish.

It is worth noting that even with the increase in the possession limit, proposal 3 still would result in harvest reduction of 34%, fully six percent more than mandated by NOAA Fisheries. I strongly suspect that if that if you were to run the computer model for a 19-inch minimum size and an unlimited bag limit, the harvest reduction would still be greater than 28%. I also imagine that DEM did not consider an unlimited bag limit because of the message that it would send to the fishing public and its potential impact on angler compliance issues, the very arguments that I am making to keep the bag limit at the current level of four fish.

Consequently, I strongly advocate for my proposal to be considered in the public hearing on 28 February. Thanks very much and I appreciate all that DEM does to preserve our fish stocks.

Sincerely,



Carl Tiska

From: Pat Heaney
To: Duhamel, Peter (DEM)
Subject: Rec fluke 2024 proposal
Date: Thursday, March 14, 2024 2:14:58 PM

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Please consider this email my proposal for 2024. A longer season, with a larger size limit is preferable to a later start and smaller fish. No legal fluke in May, coupled w a later opening of rec black Seabass leaves the party/charter sector without a viable spring fishery. No money can be made boats strapped to the dock. 19” at 6 fish with even a May 1 start satisfies the reduction requirements, and allows boats to leave the dock. Thank you for your attention, regards

Pat Heaney

Sent from my iPhone

15 March 2024

Name: Mary B. Di Cecco

Residence: Westerly, RI

Purpose: Expression of support for Proposal 1 of Menhaden Management and state opposition to Proposals 2 and 3.

Dear Members of Rhode Island Fisheries Marine Council:

I am writing out of concern for the continuing success of the Rhode Island Osprey population in particular, and the overall health and balance of our marine ecology. For many years, I have participated in the Audubon Society's osprey monitoring program which studies the health of the osprey which come to our shores every summer for nesting and raising their young. It is both exhilarating and fulfilling to observe these magnificent birds as they spend their days nest-building, incubating their eggs, warding off predators, fishing for food for their nestlings and finally teaching the fledglings to manage on their own. The osprey diet is almost 100% fish, and primarily consists of the menhaden which are abundant in our waters. It is quite thrilling to watch these skilled fliers dive for their prey and bring a live fish back to feed their young. These scenes play our every day from late March through August up and down the coast of New England. The abundant population of menhaden is paramount to the survival of the osprey, which have made an astounding comeback after the devastation caused by DDT in the forties and fifties. An example of the importance of menhaden to the osprey population can be witnessed in the recent history of the Chesapeake Bay osprey population which suffered a major decline following changes in menhaden regulations which allowed considerably increased harvesting of menhaden.

Our current menhaden regulations are working. Menhaden are a vital species not just to osprey, but to the local ecosystem. Many species require a balance of the menhaden population to continue to thrive. Many hours of research and considerable public input have gone into the creation of the current menhaden regulations and they are working.

Thank you for talking the time to consider my concerns. I am grateful to you for your continuing work in service of the people of Rhode Island. I hope you will support my position and keep the status quo as it relates to menhaden management.

Sincerely,

Mary B. Di Cecco

38 Rossini Road

Westerly, RI 02891

Lester “Butch” Lombardi

Chairman, Warren Conservation Commission.

Warren RI.

I Am writing in Support for Proposal 1 of menhaden management, which would maintain the status quo for menhaden regulations in Narragansett Bay. I am opposed to Proposal 2 and 3 which would have a negative impact on the state of menhaden in Narragansett Bay.

RI Marine Fisheries Council:

I am writing to you to express my support for Proposal 1 – Menhaden Management, and opposition to Proposal 2 and 3-Menhaden Management. I have spent all of my 77 years living in close proximity to Narragansett Bay. Over the past 50 years or so I’ve watched the local osprey population return from the brink to, what is now, a healthy population again. Decimating the Menhaden population in late summer, when these birds, along with their new fledglings, need these food sources to fuel themselves for the long migration they will have to undertake to South America, is counter productive to the work done by agencies like Audubon and others to foster this recovery over the last 50 years.

There seems to be a healthy balance in the Bay re: menhaden. The current laws are working. Many other species besides osprey benefit from a healthy menhaden population. There has been a resurgence of Bald Eagles in communities surrounding Narragansett Bay. The eagles also take advantage of a healthy menhaden population in the Bay. 15 years ago, you couldn’t find a Bald Eagle along Narragansett Bay. They are now nesting in many bayside as well as inland RI communities. This is a direct result of a good food source locally, especially the Bay and its tributaries.

I would like to thanks those who might read and consider this letter of support. I urge you to keep the status quo in relation to menhaden management.

Norm Grant
132 New Road
Exeter, RI 02822

March 12, 2024

RI Marine Fisheries Council:

I am writing in support of Proposal 1 of menhaden management to keep current regulations in place. I firmly believe that adopting proposal 2 or 3, which would change current regulations, would be detrimental to our ecosystem here in Rhode Island.

Menhaden are a vital species not just to the bay itself, but also important to many species that require menhaden populations to remain in balance to exist and thrive. Some of those are Osprey, Bald Eagles, Herons, and Egrets. The current menhaden regulations were created after extensive research and public input, and I believe that they are working well at this time. Changing the current regulations could destabilize the Osprey population (the way it did in the Chesapeake Bay, where Osprey populations have been declining because of menhaden overharvest) and serve to further decrease the Striped Bass population (which has been declining since 2013).
Further, with overfishing being a major concern around the globe, why would the Ocean State want to exacerbate that problem? Also, doing away with current regulations would have a negative effect on sport fishing in Narragansett Bay.

I urge the council to recommend keeping the status quo as it relates to menhaden management. Thank you for taking the time to read my letter.

Sincerely,
Norm Grant

To: RI Marine Fisheries Council
From: Pamela Mead 61 Edgewater Road Wakefield, RI 02879

RE : Support of Proposal 1 for menhaden management

I grew up in Woods Hole , Massachusetts .My mother worked at WHOI and eventually spent her lifelong career at National Marine Fisheries Service . Her lab eventually relocated to NOAA at the Bay Campus . I spent my teen summers working at the Marine Biological Lab in Woods Hole .Our entire family understood the importance of maintaining the delicate balance of the marine ecosystem . It is with this awareness that I urge you to maintain the current menhaden regulations. Proposal 1 regulations were created through a scientific process that would insure that menhaden will thrive and support the local ecosystem. Proposals 2 and 3 would jeopardize this vital balance that so many species depend upon.
I urge the council to keep the status quo Proposal 1 as it is.

Thank you.
Pamela Mead

7 March, 2024

Michael E. Jolicoeur
270 Ives Rd.
East Greenwich, RI 02818

Re: Support for Proposal 1 of menhaden management – to maintain the status quo for menhaden regulation.

Dear members of the Rhode Island Marine Fisheries Council,

This letter to voice my support for the current menhaden management policy. The need to balance our ecosystems is becoming more readily apparent as climate change wreaks havoc globally on a daily basis. To allow for the potential destabilization of Narragansett Bay's menhaden population by adopting anything other than Proposal 1 may jeopardize not only Osprey but the struggling Striped Bass population as well.

Given the extensive research and input from the public that served to create the existing menhaden regulation, please consider the unforeseen ramifications of altering the status quo. As the saying goes, "If it's not broke don't fix it!"

In conclusion, I urge the council to maintain the status quo as it pertains to menhaden regulations. Please keep Proposal 1 intact and unaltered. Thank you kindly for your time and consideration in this important matter.

Sincerely,

Michael Jolicoeur

Rhode Island Marine Fisheries Council

Re: Support for Proposal 1 of Menhaden Management

Dear Council Members:

My name is Susan Gibbons. I live in Cumberland, Rhode Island. I am writing to express my support of Proposal 1 of menhaden management.

I believe that Proposal 1, which keeps the status quo in terms of managing menhaden, is the best of the proposals that you are considering. The current management of menhaden is working. Menhaden are crucial to Rhode Island ecosystems, and many species depend on menhaden for survival.

Proposals 2 and 3 are likely to lead to overfishing of menhaden, which can severely harm populations of various species. I have read some of the studies of how the overfishing of menhaden has hurt osprey populations in the Chesapeake Bay, and I certainly do not wish for that to happen in Rhode Island.

While sailing in the Narragansett Bay in the summer, I love seeing ospreys flying overhead. They are beautiful birds, and in need of all the protection and support that we can give them. Please do not consider adopting regulations that could reduce their numbers.

Thank you for taking the time to read my concerns. If you have any questions or comments for me, please contact me at 401-533-1346 or send mail to the address below.

Very truly yours,

Susan Gibbons
206 Pound Road
Cumberland, RI 02864

John Repoza
Charlestown RI

To RI Fisheries Marine Council Menhaden Regulatory Management Proposal.

To whom it may concern

I strongly support Proposal 1 of menhaden management, which would maintain the status quo for menhaden regulations.

If anything you should be reducing all commercial quotas of these fish.

I have spent years watching the steady decline of our fisheries as a lifetime saltwater fisherman and nature photographer. The oceans are starving as we take this food source in an unsustainable way.

I remember witnessing the commercial ship coming into the upper bay in the 70's and 80's and the efficiency that they could clean out everything in the path. It was hearth braking to see the nets full knowing so many other fish and birds depend on this vital species for food.

I hope you make the right decision for future generations to be able to see the return of the Ospreys in spring and a bald eagle hunting the waters of Narragansett bay.

Please protect what have been called by some myself included as “the most imported fish”

I urge the council to recommend to keep the status quo as it relates to menhaden management.”

Sincerely John Repoza
Charlestown RI

March 4, 2024

TO: RI Fisheries Marine Council

FR: Deborah & Richard Watrous
7 Pine Lane
Warren, RI 02885
debwatrous06@gmail.com

RE: Menhaden Regulatory Management Proposal

Dear Friends:

We write in strong support of Menhaden Regulatory Management Proposal 1, maintaining the current regulations for menhaden fishing in Narragansett Bay. Moreover, we strongly oppose Proposals 2 & 3, which would expand commercial fishing of this vital species and threaten many other species that rely on menhaden.

We moved to Rhode Island two years ago, drawn to the beauty of its waterways and shorelines and the incredible diversity of its wildlife. We have been especially taken with the osprey population in Rhode Island and have enjoyed watching these magnificent birds raise their chicks, catch fish, and soar over the state's rivers and bays. Ospreys in RI were in grave danger from DDT and their population was decimated during the time that this pesticide was legal. Banning DDT has been a huge success story for osprey, eagles, and many other species, and the osprey population has been growing steadily.

Menhaden are a vital species not just to the bay itself, but to the local ecosystem. Many species require menhaden populations to remain in balance to exist and thrive. The current menhaden regulations were created after extensive research and public input and, most important of all, the current menhaden regulations are working! If expanded fishing of menhaden is even going to be considered, a similar, thorough process should take place.

One has only to look at Chesapeake Bay to see the harm caused by overharvesting menhaden. Many species have declined on the bay and the entire ecosystem there is harmed as a result. Please don't let that happen here. Rhode Island's ecosystem is fragile, under constant threat from climate change, development, and pollution. You and your colleagues in the legislature have done an admirable job mitigating these threats with common sense regulations. We urge you to preserve the Menhaden Regulatory Management Proposal 1 for the benefit of all Rhode Islanders, human and wildlife alike.

Thank you for your time considering this issue.

Deborah Watrous

Richard Watrous

March 3, 2024

To: Rhode Island Fisheries Marine Council Menhaden Regulatory Management Proposal

From: Susan Dey-Sigman 30 Kristen Court Warwick RI 02888

I am writing to urge the Council to maintain the status quo for menhaden regulation. Specifically, I am writing in opposition to proposals 2 and 3 which would decrease protection of the menhaden stock.

The maintenance of a healthy the menhaden population is critical for the health of our coastal ecosystem both avian and aquatic. The striped bass population continues to be significantly depressed by overfishing environmental stresses. Menhaden are a major food source for stripers and the reduction in food stock increases the pressure on this very important fish.

Osprey –cherished coastal inhabitants – rely heavily on menhaden stock for the survival of those who manage to return from their long migration and the successful fledging of their young. I participate in the monitoring of osprey nesting sites. These magnificent birds were nearly extinct in Rhode Island but over decades of protection the population has shown resilience and has increased. A change in the menhaden population could destabilize this population as it did in the Chesapeake Bay where menhaden overfishing caused a significant decline in their osprey population.

Coastal health and species survival is also challenged by rising ocean temperatures, algae blooms, waste thrown into the waters – and a decrease in food source could easily tip the scales against these and other natural, wild coastal populations.

The current menhaden regulations are working. The regulations were created after extensive scientific research and public input. I urge you to keep those regulations in place.

Thank you for your time and consideration.

Susan Dey-Sigman

To whom it may concern and the RI Marine Fisheries Council:

My name is Karen Wojichowski and I live in Portsmouth, Rhode Island. I am writing to you to voice my **strong support for Proposal 1 of menhaden management. I am also very much opposed to proposal 2 and 3.**

I think that the current regulations in place are working best for our community. The current ecosystem bring the Osprey population to Portsmouth. These birds are fascinating to me and one of the reasons I really enjoy living in Rhode Island. In the spring/summer months when the Osprey are in Rhode Island, each day I make special trips to watch the active nests in my town. It is so interesting to watch the activities of the Osprey. They are such an amazing bird! Keeping the Osprey population strong in Rhode Island enhances the beauty of our Ocean State!

Increased commercial fishing in Rhode Island will reduce the Osprey food supply and drive them out of Rhode Island. This may also happen with other species as well. I support our current regulations because that is what works best for our wildlife.

I strongly urge the council to keep the current regulation for menhaden management in place!
Thank you very much for listening to my concerns.

Sincerely,
Karen Wojichowski

Kathleen Melbourne
50 Morris St
Warwick, RI 02889

March 17, 2024

To the RI Marine Fisheries Council:
I support keeping the current regulations of menhaden management in Narragansett Bay (Proposal 1). I oppose the passage of Proposal 2 and 3, which would change the current regulations and potentially have a negative impact on the ecosystem in Rhode Island.

The threats to our wildlife continue to emerge, and the negative impact of human decisions is strikingly evident. We all need to take more time to evaluate the impact of man-made regulations on wildlife, not just the impact on humans. Menhaden fish population is critical to the survival of key bird species, particularly the ospreys. I love ospreys! They are an incredibly successfully comeback species after the devastation of DDT in the 1950s. I have personally seen the nesting pairs across the state and the nation increase steadily overtime. Why? Because regulations to protect vital bird species were enacted. The same needs to happen now.

I am a volunteer with the Audubon Society of Rhode Island's Osprey Monitoring Program and join many others who want to see the menhaden population balanced in accordance with current regulations. This will keep Narragansett Bay's ecological system strong and support the thriving communities of Ospreys present.

Changing the current regulations and allowing menhaden overharvest could destabilize the Osprey population. We saw this in the Chesapeake Bay, where Osprey populations have been declining as a result of menhaden overharvest.

I urge the council to recommend keeping the status quo as it relates to menhaden management. Thank you for taking the time to read my letter.

Sincerely,
Kathy Melbourne

To whom it may concern
@ Rhode Island Marine Fisheries Council,

My name is Martina Graziano and I live in Wakefield ,Rhode Island.
I am not a scientist, nor am I a fisherman. I am a wildlife enthusiast who is concerned about the changes in the management of menhaden being considered by the council. The current regulations as they exist are working, and I am in support of proposal 1.
I do not support proposals2 or 3.

As stated above, I am not a scientist , albeit college educated. It is my belief that menhaden stocks will suffer if more intensive fishing practices are allowed.
As the fish population declines other species are negatively affected.
Please do not let this happen .Please keep current regulations in place. In closing I thank you for your time and believe you will do what is best for the fish and the species dependent on them.

TO: RI Fisheries Marine Council

RE: Proposal 1 Menhaden Management

My name is Sharyn Lawler. I live in Richmond RI and would like to make my support for Proposal 1 of Menhaden Management known. I am in opposition to changes in the regulations of Menhaden management that would happen if Proposals 2 and 3 were to pass.

I have been a volunteer with the Audubon Society of RI's Osprey Monitoring program for the past 5 years. I have seen the amazing comeback of the Osprey firsthand, and applaud the foresight the council had when they put the current management program into place. Menhaden health and numbers are the foundation of the Osprey's ability to make their comeback at all! In the past 10 years I have seen Osprey sightings go from rare to a common occurrence in my own daily experience whether walking in the woods, walking near open bodies of water, or driving to work along I 95! It has been an exciting experience. Seeing Osprey and other hawk populations increase and now seeing Bald Eagles again, is a testament to the improved health of our natural ecosystems here in RI and beyond. To change the current programs and offset the hard-won balance that is still potentially evolving is not in the best interest of Osprey and all the other parts of the system relying on the menhaden population. I don't feel that the current management needs to change at this time and certainly not without adequate research into the effects.

RI Fisheries Marine Council, thank you for hearing me out. I truly hope the council will support my position as it relates to Menhaden management and keep the regulations as they are. Please continue to support Proposal 1,

Thank you!

To the RI Marine Fisheries Council,

My name is Lincoln Dark and I am from Providence Rhode Island. I am writing to express my support for Proposal 1 of menhaden management, to continue current management regulations of this species in Narragansett Bay.

I am in support of continuing current management practices because of the benefits that these practices are providing to local wildlife. I am the coordinator of the RI Osprey Monitoring Program, a volunteer-based research program ran by the Audubon Society of Rhode Island. This program has been active every summer (during Osprey breeding season) since 1977, when there were only 13 Osprey nests left in our state due to DDT pollution. Fortunately, we have been able to collect data for nearly fifty years that show a great comeback of this species in Rhode Island! This summer, our team of 170 volunteers will be collecting data on over 360 active nests! The goal of our program is to keep an active record of where Osprey are nesting in the state and how many young are being produced each year. This program has also served to create an amazing community of volunteers who are passionate about Osprey. Volunteers enjoy watching Osprey not just to collect data, but because they are a truly one-of-a-kind, majestic, species with complex and intelligent behaviors. There is humanity in these birds. By seeing how the males soar through the air and dive down to the nest when courting females in the beginning of the summer, we see that romance exists outside of our human dimensions. By watching the parents raise young, incubating the nestlings to keep them warm even in blowing winds and pelting rain, we see how universal a parent's love for their children is. By watching an Osprey soar through the sky on a beautiful summer day, we see the freedom of life that is all around us. These are awe-inspiring birds that remind us not only that nature is always around us, but these birds also remind us of *ourselves*.

Menhaden are a primary prey species for Ospreys, and changing the management of Menhaden would cause irreparable damage to our local population. This is exactly what happened to the Osprey population in the Chesapeake Bay in 2013 when Menhaden management practices were changing to allow for increased harvests. The Osprey population suffered greatly and led to a great decrease in the number of individuals in the bay. (https://www.frontiersin.org/articles/10.3389/fmars.2023.1284462/full). The current menhaden regulations were created after extensive research and public input and a thorough process should take place again if these regulations are even going to be considered.

These birds are a success story of wildlife conservation nationwide, and to completely squander all of the great strides that Rhode Islanders have made to bring back our Osprey would be abhorrent.

Thank you for hearing my concerns. I urge the council to recommend to keep the status quo as it relates to menhaden management.

Lincoln Dark

Audubon Society of Rhode Island

March 17th, 2024

To whom it may concern:

My name is Phoenix Wheeler, I'm the Director of Advocacy for the Audubon Society of Rhode Island. The mission of our organization and our 17,000 members across Rhode Island is to protect birds, other wildlife and their habitat for the benefit of people and all living things.

In addition to my comments, we're submitting testimony from Dr. Charles Clarkson, our Director of Avian Research. Dr. Clarkson's testimony details the benefits of menhaden and the importance of maintaining their numbers in Narragansett Bay from a thorough scientific perspective.

After reading Dr. Clarkson's submission, the obvious importance of menhaden is difficult to ignore. We encourage you to not change the current rules at this time, certainly not without indepth research and input similar to what had been done to validate the necessity of fishing additional menhaden.

Not only are we concerned with this proposal from a biodiversity perspective, but we are concerned from a process perspective as well. In order to establish the current status, DEM underwent a comprehensive scientific and public input process that has been proven to have produced incredibly beneficial results.

With the stakes Dr. Clarkson and others have outlined being this high, it seems if the recommendation is to change the current rules, this council should at least consider an equally, if not more extensive process that was done previously to decide whether to do so first. Holding a single public hearing for formal comment is woefully insufficient and perhaps even raises questions as to its motivations.

The current monitoring program and rules are working to maintain menhaden at appropriate levels in the bay, which benefits the local ecosystem long-term. We urge you to maintain the status quo until a time when due diligence in exploring other options is warranted.

Regards,

Phoenix Wheeler (they/them)
Director of Advocacy

Leigh H. Hood 54 Stoney Hollow Rd. Tiverton, RI 02878

Rhode Island Marine Fisheries Council

235 Promenade St.

Providence, RI 02908

March 17, 2024

RE: Rhode Island Fisheries Marine Council Menhaden Regulatory Management Proposal

To Rhode Island Marine Fisheries Council:

As a newer resident of Tiverton and member of the Audubon Society of Rhode Island, I am very concerned that the Osprey's primary food source, the menhaden, is potentially at risk from overfishing if regulations were to change. Rhode Island has a valuable population of Osprey which would be threatened if this food source were made scarce due to competing interests. I would like to see the menhaden management maintain the status quo, keeping Proposal One in place, especially since its success is scientifically proven for keeping the ecosystem balanced and thriving.

The menhaden are a vital species to maintaining a healthy bay and local ecosystem. My understanding is that the regulations that have created this healthy menhaden population were achieved after extensive research and public input. I am concerned that competing with the natural world for critical resources would only harm the natural world we cherish. One of the reasons we moved to Rhode Island from Oregon is because we love the natural beauty of the state and its respect for nature, especially marine and avian life. I would hate to see anything that would challenge the success of this beautiful bird and all the other populations that depend on the menhaden for their survival.

Thank you for hearing our concerns. I urge the Council to recommend keeping the status quo as it relates to the management of menhaden.

Sincerely,

Leigh H. Hood

Audubon Society of Rhode Island

To Whom It May Concern,

The Audubon Society of Rhode Island strongly opposes efforts to weaken or remove restrictions on purse seine fisheries in Narragansett Bay that target Atlantic Menhaden (*Brevoortia tyrannus*). The species serves a critical role in aquatic food webs and provides myriad ecosystem services, which stand to be lost with mass harvest of the species. Populations of predatory fish, such as Striped Bass (*Morone saxatilis*) and Bluefish (*Pomatomus saltatrix*), as well as multiple bird species, such as Osprey (*Pandion haliaetus*), terns and gulls, will likely be negatively impacted as a result of increased menhaden harvest.

The Atlantic Menhaden fishery represents the largest along the U.S. East Coast by volume, with most harvested menhaden being reduced to create fish meal for the production of animal feed and fertilizer (Anstead et al. 2021). While the Atlantic States Marine Fisheries Commission increased the allowable take of menhaden throughout the Atlantic Coast, opposition to this move has been overwhelming. The importance of menhaden to the recreational fishing and tourism industries cannot be overstated and conservation of this species should consider the collective concerns of these groups in addition to those of the commercial fishing industry.

Atlantic Menhaden play a key role in the marine ecosystem by acting as primary consumers, removing phytoplankton and nitrogen from the water column, and serving as the base of the food web for many predatory species, including economically important finfish stocks, marine mammals, and piscivorous birds. Their outsize importance in these ecosystems has led many authorities to consider the species, “the most important fish in the sea”.

The 2021 assessment of recreationally important finfish stocks in Rhode Island Waters produced by the RI Department of Environmental Management, Division of Marine Fisheries (Parkins and Olszewski 2021) indicated a downward trend in the Striped Bass abundance index. Further, the Atlantic States Marine Fisheries Commission reported the Striped Bass stock along the Atlantic coast has been overfished since 2013 and was forced to implement emergency actions to reduce the recreational take of Striped Bass in 2023 in an effort to rebuild stocks.

The adoption of “ecological reference points” (ERPs) to guide management of menhaden stocks was largely seen as a historic advancement by the conservation, fishing, and tourism communities. Setting harvest limits by considering the ecosystem impacts of forage fish has long been recognized as an effective means of management. The goal of ERPs in guiding management is to provide for a more conservative approach to establishing harvest limits. It has been recommended that forage fish populations should be maintained at 75% of their “unexploited biomass” to allow continued functioning of intricate marine food webs (Drew et al. 2021). It therefore makes little sense to entertain the idea of increasing allowable harvest of menhaden within Narragansett Bay when the population of Striped Bass, a recognized ERP used to guide management of menhaden, is in decline.

Today’s Rhode Island Osprey population represents a conservation success story. The statewide population has grown from a low of 13 pairs between 1940 – 1970 to over 350 nests today (RI Audubon), and Narragansett Bay serves as a primary foraging site for many individuals. Maintaining a healthy menhaden population in the bay is essential to the continued success of this species, as well as multiple piscivorous bird species known to consume these forage fish, such as Bald Eagles, Northern Gannets and Common Loons.

The use of ERPs to guide management should also extend to considering the use of menhaden by piscivorous bird species, as harvest levels set solely on the requirements of predatory fish are inadequate at capturing the full importance of forage fish within the marine ecosystem. Osprey, along with other piscivorous bird species that forage in the nearshore environment, are sensitive to the overharvest of menhaden and their productivity can suffer as a result of fishery activities (Buccheister et al. 2017). In the Chesapeake Bay, overharvest of Atlantic Menhaden by local fisheries has led to reduced productivity and brood provisioning in Ospreys, which preferentially forage on menhaden during the breeding season (Academia and Watts 2023). Studies supplementing Osprey nests with menhaden significantly increased reproductive output to a level sufficient to maintain the Osprey population, suggesting that a lack of available food resources was contributing to population decline. Studies such as this must be considered as we refine the use of ERPs in forage fish management. A move to increase purse seine fisheries for menhaden in Narragansett Bay would ignore both the decline in an established ERP (Striped Bass) and new information about the importance of this forage fish to other predatory species.

Regards,

Charles Clarkson, Ph.D.
Director of Avian Research
Audubon Society of Rhode Island

From: ERIC LORENTZEN
To: Duhamel, Peter (DEM); Lengyel, Nicole (DEM)
Subject: menhaden comment
Date: Monday, March 4, 2024 4:45:06 PM

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I believe it would be a good idea to make proposal 3 a seine only pilot program. The way the rules are set up now the state hasn't been landing their quota in the last few year and are subject to lose it. The rules as they are now seem to me to be set up for a large scale fishery. When this larger scale fishery lands the quota it is sent out of state. The local fishermen that use bait for lobster, crab, fish traps do not get to benefit. There needs to be a change in the rules to incentivize the local fleet to participate. The quota should be landed at a slower sustainable rate that the fish can be absorbed into the local market. If the state would allow a small scale fishery to occur in the MMA regardless of the 2-mill opening then the local smaller boats could catch their own bait.

From: Phoenix Wheeler
To: Duhamel, Peter (DEM); McManus, Conor (DEM)
Subject: Fwd: Support of Proposal !
Date: Sunday, March 17, 2024 8:36:28 PM

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Hello,

Please see the below public comment on menhaden proposal as well.

Thank you,

Phoenix

Get Outlook for iOS [aka.ms]

From: arakelml@aol.com <arakelml@aol.com>
Sent: Sunday, March 17, 2024 6:25:06 PM
To: Phoenix Wheeler <PWheeler@asri.org>
Subject: Support of Proposal !

Attention: Rhode Island Marine Fisheries Council and DEM

Hello,
I am writing to encourage you to keep Menhaden and osprey populations strong in Rhode Island by supporting Proposal 1 of menhaden management. I oppose Proposal 2 and 3 which would have a negative effect on Osprey, Striped Bass, as well as the bay's ecosystem. Osprey and Striped Bass rely on a robust population of their food source...menhaden!

The Chesapeake Bay has seen declining populations of Osprey and Striped Bass because of menhaden overharvest. Please don't let that happen to Narragansett Bay!

My name is Mary Arakelian and I love living in Narragansett and watching the Ospreys when they return to us every March from their incredible journey. I get great joy from monitoring the Lake Canonchet nest which I can see outside my windows.

Thank you for hearing my concerns and I urge you to retain Proposal 1 as it relates to menhaden management.

Best Regards,
Mary

SAVE THE BAY®
NARRAGANSETT BAY

THE BAY CENTER
100 Save The Bay Drive
Providence, R.I. 02905
phone: 401-272-3540

SOUTH COUNTY OFFICE
8 Broad Street
Westerly, R.I. 02891
phone: 401-315-2709

HAMILTON FAMILY AQUARIUM
23 America's Cup Ave, First Floor
Newport, R.I. 02840
phone: 401-324-6020

via email to: peter.duhamel@dem.ri.gov

March 14, 2024

Peter Duhamel
Rhode Island Department of Environmental Management
Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835

Re: Proposed Regulation Amendments: Part 3 - Finfish

Dear Mr. Duhamel,

Thank you for the opportunity to provide comment on proposed amendments to the Marine Fisheries regulations. Save The Bay is concerned by repeated industry attempts to weaken Rhode Island Menhaden regulations by allowing commercial harvest regardless of the status of the Menhaden Management Area (MMA). **We support Menhaden management Proposal #1 and strongly oppose Proposals #2 and #3.**

As you know, current Menhaden regulations are the result of extensive research, collaboration, and compromise between regulators, scientists, commercial and recreational fishing interests, and other stakeholders. In addition to their commercial value, Menhaden provide important ecological functions, serving as the foundation of the local food chain and filtering nutrients in the Bay. The MMA and biomass floor acknowledge the special standing of the Menhaden and ensure that a baseline level of Menhaden can safely exist in Narragansett Bay. Proposals #2 and #3 threaten to upset the proven balance of commercial, recreational, and ecological interests within the Bay.

Proposal #2. Movement of the Sakonnet River boundary will increase Menhaden harvest in the most natural of Narragansett Bay's three passages. It also increases the likelihood of user conflicts due to the shallow, narrow nature of the Sakonnet River, not to mention the strong currents in upper parts of the River. This proposal goes directly against the intent of Rhode Island's current Menhaden management structure.

Proposal #3. The establishment of a weekly possession limit in the Bay regardless of MMA status would be a direct contradiction of Rhode Island's commitment to protecting Menhaden based on their ecological value to the Bay. Save The Bay acknowledges the recent increases in Rhode Island's Menhaden quota and the opportunities this provides for the Rhode Island fishing community. However, this is not cause to create arbitrary regulations. RI DEM leadership, staff, and the state's regional fisheries delegation have advocated strongly for ecosystem-based fisheries management, highlighting the key role of Menhaden. Given the importance of Menhaden to multiple industries, as well as Bay health, any modifications to the state's well-regarded Menhaden management program must include careful consideration of all relevant factors, including ecological functions. As proposed, this regulation would be a major step backwards.

Sincerely,



Michael Jarbeau
Narragansett Baykeeper

From: Spencer Bode
To: Duhamel, Peter (DEM)
Subject: Public comment 2024 March
Date: Thursday, March 14, 2024 9:42:02 AM

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I strongly support acess in the mma for menhaden even if the program is closed. One trip a week at 120,000 would work

From: Black Sails
To: Duhamel, Peter (DEM)
Subject: Menhaden fishery proposal
Date: Thursday, March 14, 2024 2:00:55 PM

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Report Suspicious

Good afternoon Peter,

Firstly I wish to thank you for taking the time to speak with me at the public meeting, and it was a pleasure to meet you.
I feel it is the best interests of the state of Rhode Island to impose the weekly possession limit regardless of the MMA status. It will help to grow small and medium sized fisheries in the Narragansett bay area. I think if we don't find a way to manage the resources in the bay area in a way that is effective for smaller fishermen to enter. We will not be landing the quota allotted and Rhode Island will loose it next time the quota allotment comes under review.
Thank you again for your time.
Tony Wilson

Kenneth T Murgo
Trident Fisheries LLC.
F/V Johnny B
RIMP001365

March 17th, 2024

Dear RI Marine Fisheries Management Council,

Commercial Menhaden Management

As an active RI State Waters fixed-gear fisherman who consumes a lot of bait **I strongly support the industry proposal 3** to create a smaller scale menhaden fishery that is open regardless of the Menhaden Management Area (MMA) status. The current management program we have for Commercial Menhaden is failing the fishermen of RI as it is too restrictive and not allowing us to harvest our allocated quota. It is impossible for RI fishermen to invest in a fishery with no guarantee of it opening in any given year. Also, when the current commercial menhaden fishery does open on rare occasion, it is at an extremely high daily limit that invites large corporate owned steel vessels to catch huge loads of menhaden for bait that is then shipped to Maine as local demand is not sufficient to consume that volume of bait. I see no benefit to local RI fisherman of this management scheme.

Therefore, I strongly support a smaller scale menhaden fishery that is not restricted by the current MMA. I understand the need to protect menhaden due to their important role in the ecosystem and want to highlight that this proposal of a 25,000 pounds a week fishery is extremely conservative compared to the current fishery of 120,000 pounds a day which is 600,000 pounds per week. **I also support this 25,000 pound a week Menhaden limit regardless off the MMA status being a year round regulation (slight difference from proposal 3).**

Additionally, having a menhaden fishery with smaller limits will result in more of the catch staying local and being used for bait by RI fishermen. When you have smaller boats fishing for 25,000 pound loads of menhaden there its sufficient local demand to consume that bait which is beneficial from a sustainability and “green” perspective as the bait does not need to be shipped long distances. Additionally, the menhaden are not even removed from the local ecosystem, as they are used as bait in RI waters and consumed by organisms in our local ecosystems. This proposal would greatly benefit the fisherman of RI, both those who wish to invest in the fishery and those who consume menhaden for bait.

Commercial Tautog Management

As an active member of the commercial Tautog fishery **I support status quo for Commercial Tautog Management in 2024**. Commercial Tautog Management was included in the Workshop meeting for this cycle but not the Public Hearing so I was not sure if it would be included in this RIMFC meeting but I included my comment anyways just in case.

Thank you,
Kenneth T Murgo

February __, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

Re: Public Comment to RIDEM re: Proposed Regulation Amendment Part 5.5.8

Administrator David E. Chopy,

We, the undersigned Rhode Island lobstermen, write to vehemently oppose your proposed "Electronic Tracking Requirements for Federal Lobster Permit Holders," which we believe to be unconstitutional and illegal on several grounds.

We take immense pride in our longstanding legacy of contributing to Rhode Island's economy, heritage, identity, and culture. Many of our families have worked tirelessly for generations, and without our industry, many other small and family-owned businesses that rely on us would struggle to stay afloat. We also love the United States Constitution and the protections it provides. It is for this reason that we are compelled to fight against any regulations that threaten to harm our livelihoods and constitutional rights.

Let us be unequivocal: we fully support efforts to conserve the Right Whale and have been cooperative partners with RIDEM in advocating for reasonable conservation measures. However, the proposed constant tracking and surveillance of our movements, premised in part on implementing risk reduction to the Right Whale (as announced by ASMFC's Addendum XXIX), serves no legitimate conservation purpose and is not only unnecessary but also unconstitutional and illegal.

The Fourth Amendment to the United States Constitution safeguards individuals against unreasonable searches and seizures by the government. Unwarranted intrusion into personal property to gather information for potential prosecution violates this fundamental constitutional right. Furthermore, warrantless searches that infringe upon a person's reasonable expectation of privacy are unconstitutional.

While we may not be legal experts, we are aware that the courts have ruled against forcing fishermen to install permanent trackers on their vessels, deeming it unconstitutional and in violation of the Magnuson-Stevens Act. A prime example is the case of *Mexican Gulf Fishing Co. v. United States Dep't of Com.*, 60 F.4th 956 (5th Cir. 2023).

Moreover, Congress explicitly recognized the lobster industry's compliance with laws aimed at protecting the Right Whale, such as the Endangered Species Act and the Marine Mammal Protection Act, through the 2023 Consolidated Appropriations Act. Importantly, this legislation specifically prohibits the promulgation of new regulations regulating the lobster and Jonah crab industry until 2028.

While we share your commitment to protecting the Right Whale, we firmly believe that unconstitutional and illegal surveillance is not the solution. We urge you to heed our concerns and the rulings of the courts. However, should you persist in pursuing this unconstitutional and illegal rule, we will have no choice but to pursue legal action to halt its implementation and protect our American way of life.

F/V ACES HIGH

F/V Aces High

F/V Aces High

Victor Garcia

JASON OWENS

February __, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

Re: Public Comment to RIDEM re: Proposed Regulation Amendment Part 5.5.8

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While we share your commitment to protecting the Right Whale, we firmly believe that unconstitutional and illegal surveillance is not the solution. We urge you to heed our concerns and the rulings of the courts. However, should you persist in pursuing this unconstitutional and illegal rule, we will have no choice but to pursue legal action to halt its implementation and protect our American way of life.

F/V two Dukes

F/V more misery

Rhode Island DEM.
Division of Marine Fisheries
235 Promenade Street
Providence R.I. 02908.

February 28,2024

RE: Public comment to RIDEM Proposed Regulation Amendment Part 5.5.8 VMS tracking

Administrator David E. Chopy,

I am a 40-year R.I. Lobster Permit Holder, who believes VMS Tracking is a violation of my Constitutional rights. I am a third-generation fishermen whose family came from Greece and settled in Newport R.I. in 1910. My father was a fisherman who fought in WWII and was battle wounded on the island of IWO JIMA as a young Marine. He proudly served in the hope that his family could live in the greatest country in the world protected by the amendments of the US Constitution.

I foremost believe VMS tracking to be a violation of my Fourth Amendment right which safeguards us against unreasonable searches and seizures by the government in the hope of gathering information in which to prosecute me. Warrantless searches infringe on my right of privacy and are unconstitutional.

R.I. fishermen have worked extremely hard to provide every reasonable conservation measure to protect right whales. This has come at a great cost of time and money to fishermen. The proposed VMS tracking information can be obtained by the Vessel Trip Reporting already in place. I am sure that the council is aware of the US Congress legislation, enacted through the 2023 Appropriations Act, that PROHIBITS the promulgation of new regulations for the lobster and Jonah crab industry until 2028. I would hope the council will table this for now and use this time to enhance the vessel trip reporting to gather all the necessary data to protect right whales as well as gather any information it deems necessary on lobster and crab stocks.

I am committed to protecting the right whale, but illegal surveillance is not the answer. R.I. Lobster and crab fishermen have already shared the bulk of this burden, even though large commercial ships kill the large majority of right whales. I hope the council reconsiders this implementation so I and my fellow R.I. fishermen will not have to pursue legal action to stop this unjust illegal surveillance.

Sincerely, James M Violet

James M. Violet
F/V Excalibur
Newport R.I.

February __, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence. RI 02908

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Peter Mendonca Owner/operator F/V Endeavour (Area 3)
Donna Mendonca (P. Mendonca's spouse)
[illegible]
Joel Bullz [illegible]
[illegible]
Steve Rimmell
[illegible]
Al Eagles F/V Catherine Ann
Richard Clarke
Oscar Martinez } F/V Catherine Ann CCC

February 28, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

Re: Public Comment to RIDEM re: Proposed Regulation Amendment Part 5.5.8

Administrator David E. Chopy.

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2

Christopher Campanale
Christopher Campanale
Roy Campanale Sr.
Roy Campanale Sr.

Feb, 28,2024
RI DEM
Div of Marine Fisheries

Re: Public Comment to RIDEM proposal for VMS Tracking

Administrator David Chopy,

I have been a RI Multi purpose License holder since 1984, Federal permit holder since 1997. I am second generation lobsterman. I have seen the changes to the fishery that have occurred over at least 4 decades such as gauge increases, trap reductions, fleet reduction, whale safety issues, seasonal closures, wind farm siting on traditional fishing grounds. With each of these and other regulations that have taken place a very slow strangulation of the fishery is occurring. The proposed requirement of Vessel Trackers is just another example of our rights being eroded under the guise of conservation.

I am strongly opposed to any tracking device being installed on my vessel for the following reasons.

1: There is no justification for 24/7 round the clock surveillance of my vessel. It serves no conservation value and infringes on my 4th amendment rights.

2: I do not want a device made in part or whole from China aboard my boat for the purposes of tracking.

3:The data collected being sold or offered to opposing ocean interests i.e Wind Farm planning and other future endeavors that would likely put more hardship on the fishing fleet.

4:Possible 9th amendment violations which provides "freedom of movement, right to travel, rights to free enterprise, and most importantly freedom from unreasonable governmental interference and right to privacy".

5: The information that is proposed to be collected is already available on VTRs that are submitted on a trip by trip basis. If more info is needed then perhaps an update of the VTR form would be a better solution.

6: The tracking device is in my opinion the equivalent to being fitted with an ankle bracelet without committing a crime or infraction.

Respectfully Submitted,
Edward McCaffrey Jr
F/V Aces High
Pt Judith, RI



February 24 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

Re: Public Comment to RIDEM re: Proposed Regulation Amendment Part 5.5.8

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Mark M. Sweeta

F/V ERICA KNIGHT
F/V KAREN ANN

February 23 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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F/V Ashley Ann II mdth: 2200052

F/V Ashley Ann II

February 24 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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2

Joseph A. Baker
Joseph Baker
Harvest Moon

Derek Pascale
Derek Pascale
F/V Cristina Faith

February 28 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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2 F/V ROBERT C
Domenic Campanale 2/28/24
Devon Campanale F/V Robert C
Devon Campanale 2/28/24

February 21, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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Eric Nunes F/V Persistence

February __, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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2 Eric Ferold

February 27 2024

Rhode Island Department of Environmental Management
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235 Promenade Street
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Richard R. Looge F/V SELECT

February _28_, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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The following Massachusetts fishermen have asked that their names be added in support of this letter opposing VMS trackers on lobster and crab vessels:

Jim Bartlett, F/V Pamela B, Bill Bartlett F/V Michael & Erin, Jeff Bartlett F/V Rolling Thunder, Mike Bartlett F/V Jenna B, Tim Bartlett F/V Krystina Marie, John Hobby F/V Lofty, Timothy Field F/V Green Dragon, Tom Tomkiewicz F/V Intimidator, Chris Houghton F/V Heartbreaker, Doug Sibbald, F/V Pamela B, Wesley Penny F/V Sixpence, Roscoe Holmes III F/V Haley's Comet, Ed Wiessmeyer F/V Laura Jean II, Therese Sauvageau F/V Sea Anchor, Gregory Cook F/V Jacklynn

February 28, 2024

Rhode Island Department of Environmental Management
Division of Marine Fisheries
235 Promenade Street
Providence, RI 02908

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From: Dean Pesante <dpesante@cox.net>
Sent: Thursday, February 15, 2024 10:39 PM
To: Lengyel, Nicole (DEM) <nicole.lengyel@dem.ri.gov>
Subject: Re: [EXTERNAL] : Re: Bluefish

This Message Is From an External Sender
This message came from outside your organization.
Report Suspicious

Hi Nicole. Just received the proposals for Bluefish for this upcoming year. With the drastic cut in our state quota this year I would be hesitant to increase weekly limits in October and November if we are going to keep the fishery open. The only way I would be comfortable raising limits would be if we were guaranteed transfer quota from other states. We rely on the fall run of fish through November. Last year they didn't show up until the beginning of November.

I won't be available for the public hearing this month. So please take this recommendation from me. Any questions let me know. Thanks. Dean

Sent from my iPhone